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Attorney Docket # 3401-125RCE

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mark FREIER et al.

Serial No.: 10/002,523

Filed: November 2, 2001

For: Endoscopic Sample Taker for Cartilage Material

Examiner: Thaler, Michael H.  
Group Art: 3731

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 13, 2006

(Date of Deposit)

Alfred W. Froebrich

Name of applicant, assignee or Registered Representative

*Alfred W. Froebrich*  
Signature

October 13, 2006

Date of Signature

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

S I R:

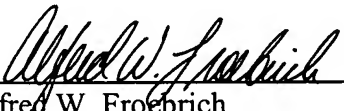
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated July 13, 2006 of the Primary Examiner twice or finally rejecting claims 8 and 10-19.

The items checked below are appropriate:

1. ☒ The time for response to the Office Action of July 13, 2006 expires on October 13, 2006.
2. ☐ A   -month extension of time for response to the Office Action dated    was filed on   . [No additional extensions of time are required.]
- 3a. ☐ Applicant(s) hereby request(s) a one two three-month extension of the original shortened statutory response period set in the Office Action of   . Payment in the amount of    for the government fee for an extension of time is enclosed herewith.

- 3b. ☐ This is not the first request for an extension of time relative to the outstanding paper. The period for response has already been extended by -month(s) by petition dated . Please extend the time for response by an additional -month(s). With this extension, the deadline for filing the required paper will be . Payment for the additional extension fee of \$ is enclosed.
4. ☒ Check for payment of the appeal fee of \$500.00  
☒ is enclosed herewith.  
☐ No additional fee is required (fee paid in prior appeal).  
☐ Charge the fee to Deposit Account No. 03-2412 (one additional copy of this Notice is enclosed herewith).
5. ☒ Charge any additional fees required, for example, for lodging this appeal or for filing the Appeal Brief, not otherwise paid by check, to Deposit Account No. 03-2412. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

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Dated: October 13, 2006